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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,400	08/22/2003	Paul R. Fletcher	07703-245005	9256
26211	7590	04/13/2004		
FISH & RICHARDSON P.C. 45 ROCKEFELLER PLAZA, SUITE 2800 NEW YORK, NY 10111			EXAMINER SHAPIRO, JEFFREY A	
			ART UNIT 3653	PAPER NUMBER

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/646,400	FLETCHER ET AL.
	Examiner Jeffrey A. Shapiro	Art Unit 3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 August 2003.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 36-43 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 36-43 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/22/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 32-35 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3/29/04.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirberg (US 5,056,643) in view of Winstanley (US 5,400,891). Kirberg discloses the following claimed subject matter.

As described in Claims 36;

- a. removing a first coin storing means (9) from a coin validator, wherein the first coin storing means is of a first type and is part of a first physical arrangement of coin tubes;
- b. providing the coin validator with a second coin storing means (9) in place of the first coin storing means,
- c. wherein the second coin storing means is interchangeable with another coin storing means, creating physical arrangement of coin tubes that differs from a first arrangement;

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- d. using a keypad (2) to enter a code that identifies the second arrangement of coin tubes to the coin validator;
(See col. 1, lines 29-34, which states that the machine of the prior art, and apparently also, Kirberg's apparatus, identifies the coin storing means as well as its type. See also col. 2, lines 28-30 and 34-38, noting that each coin storing means is intended to be used in several arrangements/configurations.)

- e. operating the coin validator with the second coin storing means (9) attached to the coin validator;

As described in Claims 37-40;

- f. the code comprises a plurality of letters;
g. the code comprises a plurality of numbers;
h. the code comprises a combination of letters and numbers;
i. the code comprises a specified sequence of letters and numbers;

(See col. 1, lines 29-34, which states that a code number is used to identify a coin storing means. Note that it would have been obvious to create the code referred to in col. 2, lines 28-30 and 34-38 in any number of combinations of numbers and letters or only numbers or only letters.

Note that letters are considered to be functional equivalents of numbers in that they are symbols, and that it would have been expedient for one ordinarily skilled in the art to have combined numbers and letters to create a code which is more difficult to defeat.

As described in Claim 41;

- j. storing coins accepted by the coin validator in the coin tubes of the second coin storing means;

As described in Claims 42 and 43;

- k. entering a code through a keypad (2), wherein the code identifies a physical type of coin storing means/tube attached to a coin validator (note again, that the type of tube is identified to the machine through the code assigned to it);
- l. wherein the tube is one of a plurality of tubes, each of which is part of a different physical arrangement of coin tubes and
- m. wherein the coin validator is operable with any one of the plurality of coin tubes installed therein; and
- n. operating the coin validator with the coin tubes attached to the coin validator;

Kirberg does not expressly disclose, but Winstantly discloses the following.

As described in Claims 36-43;

- o. said tubes (16, 18 and 20) are arranged in various arrangements to form a single cassette (14) which is removable from the validator as a single unit, and on which individual tubes of various types (denominations) are removably located so that various tubes may be interchanged thereby

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creating numerous arrangements of cassette types which hold various types/denominations of coins, based upon the requirements of the situation (see figure 1).

As described in Claim 36;

p. wherein a second cassette, in reference to a first cassette, has a second physical arrangement of coin tubes that differs from the first arrangement (see col. 2, lines 60-66, col. 3, lines 3-4 and 14-19);
(Note that a tube type is analogous to a cassette type with a particular arrangement.)

As described in Claims 42 and 43;

q. entering a code through a keypad, wherein the code identifies a physical arrangement of coin tubes in a cassette attached to a coin validator (note again, that the type of tube is identified to the machine through the code assigned to it);
r. wherein the cassette is one of a plurality of cassettes, each of which has a different physical arrangement of coin tubes and
s. wherein the coin validator is operable with any one of the plurality of cassettes installed therein; and
t. operating the coin validator with the cassette attached to the coin validator;

(Note that a coin tube is analogous to a cassette in that the type/denomination of the tube is a characteristic of the tube that the

machine uses to set its operation with that particular tube. The same can be said for the cassettes using a plurality of tubes in an arrangement, which would have been obvious to provide as information to the machine, so as to allow it to operate correctly.)

Both Kirberg and Wistanley are considered to be analogous art because they both concern coin validating equipment with coin handling tubes.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used the tubes and cassette of Winstanley in the apparatus of Kirberg, and to have assigned an identifying code to the cassette which indicates the types of tubes it holds.

The suggestion/motivation would have been to present the arrangement of tube denominations to the machine for proper operation. See Kirberg, col. 1, lines 29-34, which states that the machine of the prior art, and apparently also, Kirberg's apparatus, identifies the coin storing means as well as its type. See also col. 2, lines 28-30 and 34-38.

Therefore, it would have been obvious to combine Kirberg and Wistanley to obtain the invention as described in claims 36-43.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leibu '186, Waldorff, Jr. '649 and Ishida et al '181 are cited as examples of coin handling apparatus with coin tubes.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Shapiro
Examiner
Art Unit 3653

April 4, 2004



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